

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15CR00021 ERW/DDN
)	
TONY LEE BESS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation of United States Magistrate Judge David D. Noce [ECF No. 47], pursuant to 28 U.S.C. § 636(b)(1), recommending the denial of Defendant Tony Lee Bess’s Motions to Suppress [ECF No. 26]. Defendant filed timely objections to the Report and Recommendation [ECF No. 51]. Defendant objects to the Magistrate Judge crediting the testimony of Officers Shaviste Grandberry and Brandon Wyms over defense witness Aleasha Thomas. According to Defendant, had the testimony of Aleasha Thomas been found credible, the search of Defendant’s vehicle would have extended the time of the traffic stop beyond what is allowed by the Fourth Amendment. Additionally, Defendant objects to the Magistrate Judge’s finding the officers had probable cause to arrest Defendant.

When a party objects to a Report and Recommendation concerning a motion to suppress in a criminal case, the court is required to “make a de novo review determination of those portions of the record or specified proposed findings to which objection is made.” *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003) (quoting 28 U.S.C. § 636(b)(1)).

The Court conducted a *de novo* review of the motion to suppress, including reviewing the

testimony introduced at the hearing. Based on this review, the Court concludes the Magistrate Judge made proper factual findings and correctly analyzed the issues. Ms. Thomas had several inconsistencies in her statement while the testimonies of the officers were consistent. Additionally, the length of the stop was not unreasonably long as to violate the Fourth Amendment. An officer may complete a number of routine tasks in a traffic stop such as checking the driver's license and criminal history, which is exactly what happened here. *United States v. Barragan*, 379 F.3d 524, 528-29 (8th Cir. 2004). The Court adopts the Report and Recommendation and overrules Defendant's objections regarding the motion to suppress.

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge [ECF No. 47] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress [ECF No. 26] is **DENIED**.

So Ordered this 14th Day of July, 2015.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE